

DOCKET NO. 2002.02.009.WS0
U.S. SERIAL NO. 10/035,354
PATENT

REMARKS

Claims 1-23 were originally filed in the present application.

Claims 1-23 were previously canceled.

Claims 24-46 are pending in the present application.

Claims 24-46 were rejected in the November 30, 2005 Office Action.

No claims have been allowed.

Claims 24, 28, 32 and 41 are amended herein in order to more particularly point out and distinctly claim the Applicants' invention.

Claims 24-46 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Sections 1 and 2 of the November 30, 2005, Office Action, the Examiner rejected Claims 24-34, 37-43, 45 and 46 under U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,157,828 to *Krishnamurthi* (hereafter, "*Krishnamurthi*"). In Section 3 of the Office Action, the Examiner rejected Claim 12 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of U.S. Patent No. 5,884,196 to *Lekven et al.* (hereafter, "*Lekven*"). In Section 4 of the Office Action, the Examiner rejected Claim 13 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of U.S. Patent No. 6,108,563 to *Shishino* (hereafter, "*Shishino*"). In Section 5 of the Office Action, the Examiner rejected Claim 21 under U.S.C. §103(a) as being unpatentable over *Krishnamurthi* in view of *Lekven* and further in view of *Shishino*. The Applicants respectfully traverse the rejection of Claims 24-46.

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The Applicants respectfully direct the Examiner's attention to amended independent Claim 24, which contains the unique and novel limitations emphasized below:

24. For use in a wireless communications system, a mobile switching center, comprising:

a controller which, having

sent a call waiting notification to a base station serving a mobile station participating in a first call, the call waiting notification indicating that a new second call is waiting to be put through to the mobile station, and

received a clear request message from the base station in response to the call waiting notification, wherein the clear request message is sent by the base station in response to a release order sent by the mobile station,

transmits a clearing procedure message to the base station to maintain resource allocations designated for the mobile station and alert the mobile station that the second call is waiting. (*Emphasis added*).

The Applicants respectfully assert that the above-emphasized limitations of Claim 24 are not disclosed, suggested, or even hinted at in the *Krishnamurthi* reference.

The *Krishnamurthi* reference discloses an implementation of a call-waiting function in a cellular communication system. In rejecting Claim 1, the Office Action mailed December 27, 2004, cited column 5, line 48, through column 6, line 10. That passage states, in pertinent part:

Referring to FIG. 3, assume again that party 1 28 is on hold and MS 32 is in communication with party 2 30. If party 2 30 then hangs up, the network servicing party 2 30 generates a Release Message as described above. In the preferred embodiment, when the Release Message comes from the network, MSC 36 intercepts it, and message generator 38 in MSC 36 generates an Alert With Information Message signal, which is sent to BS 34 on the A-Interface. Message receiver 40 in BS 34 receives the Alert With Information Message, and BS 34 in turn sends an Alert With Information Message to MS 32 on the Air-Interface. When MS 32 receives the Alert With Information Message, it generates an alerting signal in the mobile and waits for the subscriber to answer.

(*emphasis added*)

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Thus, the *Krishnamurthi* reference describes a system wherein a mobile station is connected to a landline party while another landline party waits on hold—that is, both calls to the mobile station have already been established. When the connected landline party terminates the call, a release message is received at a mobile switching center from the landline network serving the connected party.

In contrast, Claim 24 recites a controller in a mobile switching center that sends a call waiting notification indicating that a new second call is waiting to be put through to a mobile station participating in a first call. In response to the call waiting notification, and before the second call is put through to the mobile station, the controller receives a clear request message sent by a base station in response to a release order sent by a mobile station.

Thus, while *Krishnamurthi* teaches reestablishing a previously connected call, Claim 24 recites establishing a new call. While *Krishnamurthi* describes responding to the termination of a call by a landline party, Claim 24 recites a clear request message sent by a base station in response to a release order sent by a mobile station.

Therefore, independent Claim 24 contains unique and non-obvious limitations that are not disclosed, suggested, or even hinted at in the *Krishnamurthi* reference. This being the case, Claim 24 is patentable over the *Krishnamurthi* reference. Additionally, independent Claims 28, 32 and 41 contain limitations that are analogous to the unique and non-obvious limitations recited in Claim 24. This being the case, Claims 28, 32 and 41 also are patentable over the *Krishnamurthi* reference.

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The Applicants respectfully assert that the *Lekven* and *Shishino* references do nothing to overcome the shortcomings of the *Krishnamurthi* reference with respect to the unique and non-obvious limitations in Claims 24, 28, 32 and 41. Dependent Claims 25-27, 29-31, 33-40 and 43-46 depend from independent Claims 24, 28, 32 and 41, respectively, and contain all of the unique and non-obvious limitations recited in their base claims. Thus, Claims 25-27, 29-31, 33-40 and 43-46 also are patentable over the *Krishnamurthi*, *Lekven* and *Shishino* references, alone or in combination.

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SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at jmockler@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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